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January 3, 2022

Via ECF

Hon. Barbara Moses
United States Magistrate Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007

Re: *DISH Network L.L.C., et al. v. Asia TV USA Ltd., et al.*, 19-cv-00021-VSB-BCM

Dear Judge Moses:

Due to our office having experienced a COVID-19 outbreak in the last 48 hours that has impacted virtually all of the lawyers in our office and specifically each of the lawyers actively working on this case, we write, on behalf of Defendants Asia TV USA Ltd. ("Asia TV"), Asia Today Ltd. ("ATL"), and Living Communications Inc. ("LCI," together with Asia TV and ATL, "Defendants"), to request a 30-day extension of all discovery and post-discovery deadlines set forth in the current case management schedule, as outlined in the attached [Proposed] Amended Scheduling Order.

We are a four-attorney firm. The three attorneys from our office actively working on this case are all affected, including myself as of late this afternoon. One member of our team has tested positive and the other two are currently awaiting test results, which are strongly suspected to be positive, having been exposed to family members with confirmed cases. All are experiencing debilitating symptoms. In addition, a member of our support staff—the only legal secretary in our firm—has been in close contact with her child who has also tested positive for COVID-19 and is suffering from debilitating symptoms requiring her constant supervision and care. This staff member is also seeking to get tested which, in Los Angeles, is currently proving to be difficult due to the recent surge in cases.

In light of what is tantamount to a near shutdown of our operations, we are unable to meet and confer with Plaintiffs' counsel by phone as previously scheduled to address outstanding issues with the breadth of the topics listed in Plaintiffs' Rule 30(b)(6) deposition notice, nor are we able to confer with our client or appear for and take depositions that were scheduled for January 5 and 11, 2022. We are also unable to take at least two depositions of Plaintiffs' representatives that are presently scheduled for January 13 and 14, 2022. Based upon available medical information, we anticipate that we will not be able to address these depositions until at least the later part of the third week in January, for which two other depositions are already scheduled.

But for these compelling circumstances and the recent COVID-19 surge, we expected and intended to complete any remaining depositions within the current fact discovery cutoff date.

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We have advised Plaintiffs' counsel of these circumstances, who has declined to consent or object to our request for an extension. Defendants respectfully request that the Court enter the attached [Proposed] Amended Scheduling Order to allow for recovery and compliance with CDC guidelines for quarantine after recovery.

Under the current case management schedule, fact discovery is scheduled to end on January 27, 2022, with expert discovery closing on April 14, 2022. ECF No. 450. The extension, if granted, would move the fact discovery deadline to February 26, 2022, and the expert discovery deadline to May 14, 2022.

We thank the Court for its time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Barta', with a long horizontal flourish extending to the right.

Robert M. Barta, Esq.
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